

INTER-OFFICE COMMUNICATION FROM

THE OFFICE OF

CLERK OF THE BOARD OF COUNTY COMMISSIONERS

March 19, 1987

TO: Jan Winters, County Administrator
Lisa Heasley, County Attorney's Office
Thom Baird, Asst. Co. Attorney
David Bludworth, State Attorney
Joy Shearer, Asst. Attorney General
Lt. Jack H. Rochester, Sr. - Sheriff's Dept.-Civil
Jerry Nolan, Sheriff's Office-Admin.
John Lehner, PZ&B
Bob Palchanis, Building Division
Patty Young, 4th Dist. Ct. of Appeals
Law Library
County Library (2)
Pinky Yount, PBC Municipal League, Inc.
1708 N. Lakeside Drive, Lake Worth, FL 33460

FROM: John W. Dame
Chief Deputy Clerk

RE: PALM BEACH COUNTY ORDINANCE DISTRIBUTION

ORDINANCE NO. 87-3

TITLE REFERENCE:

ORDINANCE OF THE BCC OF PBC, FL, AMENDING
ORDINANCE NO. 80-8, AS AMENDED...TO
INCORPORATE THE CHANGES TO THE PBC
COMPREHENSIVE PLAN, PROVIDING FOR; AMENDMENTS
TO THE FUTURE LAND USE ELEMENT; ;PROVIDING
FOR...

Attached is a copy of the above referenced Ordinance of Palm Beach County. This Ordinance has been filed with Florida Department of State and forwarded to Municipal Code Corporation for codification. The effective date is March 17, 1987.

JWD:lc
attachment

cc:* Commissioners, BCC
Clerk of BCC
Minutes

* If a copy of ord. is needed please advise Ms. Lorie Clinger, Finance Department at 837-2959.

ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, AMENDING ORDINANCE NO. 80-8, AS AMENDED BY ORDINANCE NO. 81-27, NO. 82-26, NO. 83-5, NO. 84-1, NO. 84-16 AND NO. 85-41 TO INCORPORATE THE CHANGES TO PALM BEACH COUNTY COMPREHENSIVE PLAN, PROVIDING FOR; AMENDMENTS TO THE FUTURE LAND USE ELEMENT; PROVIDING FOR THE ADDITION OF AN ADMINISTRATION SECTION; PROVIDING FOR AMENDMENTS TO THE TEXT OF THE PERFORMANCE STANDARDS SECTION; PROVIDING FOR RIGHT OF WAY PROTECTION MAP CHANGES; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES, SEVERABILITY AND EFFECTIVE DATE.

WHEREAS, the Local Government Comprehensive Planning Act of 1975, as amended, Section 163.3161, et seq., Florida Statutes, requires each local government in the State of Florida to adopt a Comprehensive Plan to guide and control future development; and

WHEREAS, the Board of County Commissioners of Palm Beach County, Florida, pursuant to said act, adopted Ordinance No. 80-8, establishing the Palm Beach County Comprehensive Plan; and

WHEREAS, s. 163.3184 (15) (1986) requires all amendments to Comprehensive Plan's to be adopted by ordinance; and

WHEREAS, the Palm Beach County Local Planning Agency conducted public hearings on May 19, 1986 and June 12, 1986; August 25, 1986; August 27, 1986; September 3, 1986 and; September 8, 1986, to review proposed amendments to the Palm Beach County Comprehensive Plan and recommended proposed amendments to the Palm Beach County Board of County Commissioners pursuant to Chapter 163, Florida Statutes; and

WHEREAS, the Palm Beach County Board of County Commissioners, as the governing body of Palm Beach County conducted public hearings pursuant to Chapter 163, Florida Statutes, on May 19, 1986 and June 12, 1986; August 25, 1986; August 27, 1986; September 3, 1986 and; September 8, 1986 to review the recommendations of the Local Planning Agency; whereupon, the Board of County Commissioners then authorized the transmittal of the proposed changes to the Department of Community Affairs for its review and comments pursuant to Chapter 163, Florida Statutes.

WHEREAS, the Palm Beach County Board of County Commissioners conducted public hearings on January 20, 1987; February 5, 1987,

and; February 23, 1987, to consider public comments and comments received from the Department of Community Affairs and the Treasure Coast Regional Planning Council pursuant to Chapter 163, Florida Statutes; and

WHEREAS, the Palm Beach County Board of County Commissioners as the governing body of Palm Beach County, Florida, voted to adopt amendments to its Comprehensive Plan pursuant to s. 163.3184 (15) at the above referenced meetings of January 20, 1987; February 5, 1987 and; February 23, 1987; and

WHEREAS, the notice requirements in Chapter 125 and 166, Florida Statutes, are specifically declared to be superseded by s. 163.3184 (15) (1986).

NOW THEREFORE BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that:

SECTION I.

AMENDMENTS TO THE FUTURE LAND USE ELEMENT OF THE COMPREHENSIVE PLAN OF UNINCORPORATED PALM BEACH COUNTY.

The Palm Beach County Comprehensive Plan adopted as Palm Beach County Ordinance No. 80-8, Pages 1-14, (Land Use Element) as amended by Ordinances No. 81-27, No. 82-26, no. 83-5, No. 84-1, No. 84-16 and No. 85-41, is hereby amended as follows:

A. COMMERCIAL POTENTIAL DESIGNATIONS. Beginning on Page 8, the Specific Permitted Commercial and Industrial Locations and Special Land Use Policies and Regulations by Reference Area section is hereby amended to add the following Commercial Potential designations:

1) Area No. 7

11. West side of Military Trail, approximately one-quarter of a mile north of the intersection of Military Trail and 45th Street, more particularly described as follows:

PARCEL 1

All of the Plat of Gramercy Park, Unit 5 according to the Plat thereof recorded in Plat Book 32, Page 15, Public Records of Palm Beach County, Florida, excepting therefrom the following lots, to-wit: Lots 27 and 29,

Block 17; Lots 7, 8, 10, 12 and 13, Block 19 and Lot 35, Block 18.

AND

PARCEL 2

A parcel of land in Section 2, Township 43 South, Range 42 East, Palm Beach County, Florida, more particularly described as follows:

Commencing at the Northeast corner of the Replat of Gramercy Park, Unit Two, as recorded in Plat Book 27, Page 178, Public Records of Palm Beach County, Florida; thence on an assumed bearing of due East, along the Easterly prolongation of the North line of said Replat, a distance of 140.45 feet to the East line of said Section 2; thence North 3° 27' 08" East, along the said Section line, a distance of 200.00 feet to the Point of Beginning; thence continue North 3° 27' 08" East, a distance of 491.33 feet to a point in a line 50 feet South of and parallel with the North line of said Section 2; thence North 89° 59' 07" West along said parallel line, a distance of 288.00 feet; thence due South, a distance of 490.45 feet; thence due East, a distance of 258.43 feet to the Point of Beginning.

Excepting therefrom the South 329.52 feet thereof.

Excepting therefrom the Right of Way for Haverhill Road as now laid out and in use.

SUBJECT to easements for ingress and egress and public utilities over the West 20 feet of the above described property.

Containing in all 0.78 acres, more or less.

AND

PARCEL 3

The South 209.52 feet of the following described parcel:

A parcel of land in Section 2, Township 43 South, Range 42 East, Palm Beach County, Florida, more particularly described as follows:

Commencing at the Northeast corner of the Replat of Gramercy Park, Unit Two, as recorded in Plat Book 27, Page 178, Public Records of Palm Beach County, Florida; thence on an assumed bearing of due East, along the Easterly prolongation of the North line of said Replat, a distance of 140.45 feet to the East line of said Section 2; thence North 3° 27' 08" East, along the said Section line, a distance of 200.00 feet to the Point of Beginning; thence continue North 3° 27' 08" East, a distance of 491.33 feet to a point in a line 50 feet South of and parallel with the North line of said Section 2; thence North 89° 59' 07" West along said parallel line, a distance of 288.00 feet; thence due South, a distance of 490.45 feet; thence due East, a distance of 258.43 feet to the Point of Beginning.

Excepting therefrom the Right of Way for Haverhill Road as now laid out and in use.

SUBJECT to easements for ingress and egress and public utilities over the West 20 feet and the South 20 feet of the above described property.

Containing in all 1.01 acres, more or less.

2) Area No. 8

14. Along the east side of Congress Avenue between Westgate Avenue and L.W.D.D. Lateral Canal No.4, bounded on the east by the north/south canal.

3) Area No. 9

11. The southwest corner of Skees Road and Okeechobee Boulevard, provided that the portion of the property south of the south line of the existing CG zoned property on the west extended, be used for buffer and water retention purposes only.

4) Area No. 15

21. Limited to the southerly two-thirds of the property described below, from the Southern Bell north property line extended to the subject property's south property line.

The East One half (E 1/2) of the Northwest Quarter (NW 1/4) of the Southwest Quarter (SW 1/4) of the Southeast Quarter (SE 1/4) of Section 24, Township 44 South, Range 42 East, Palm Beach County, Florida; LESS the North 25.0 feet thereof, and also LESS the West 80.0 feet of the North 205.12 feet of the South 445.08 feet thereof.

22. On the south side of Lorene Drive approximately 150 feet east of its intersection with Congress Avenue, for the property more particularly described as follows:

Lot 24, BANDLOW SUBDIVISION in Palm Beach County, Florida, according to the Plat thereof recorded in the office of the Clerk of the Circuit Court in and for Palm Beach County, Florida, in Plat Book 21, page 92.

23. On the north side of Meadow Road approximately 280 feet east of its intersection with Congress Avenue, to the same depth as the commercially zoned property on the south side of Meadow Road.

24. The southwest corner of Oklahoma Street and Texas Avenue, approximately 400 feet northeast of the Congress Avenue/ Summit Boulevard intersection, for the property more particularly described as follows:

Lot 7, 8, 9 and 10, Block 1, PALM ACRES ESTATES, ADDITION NO. 1, according to the Plat thereof on file in the office of the Clerk of the Circuit Court in and for Palm Beach County, Florida, recorded in Plat Book 20, Page 5 of the Public Records of Palm Beach County, Florida.

5) Area No. 17

13. Tracts 39 and 40, approximately one-tenth of a mile north of Lantana Road on the east side of State Road 7.

Approved with the understanding that rezoning would not be considered until the road improvements have been resolved to the satisfaction of County Planning and Engineering staffs.

6) Area No. 18

11. The northeast corner of the intersection of Delray West Road (Atlantic Avenue) and the Florida Turnpike, for the property more particularly described as follows:

That portion of Tracts 65, 66, 67, 94, 95, 96, 97, 98, 127 and 128, together with Grantor's interest in and to that 30' platted road right-of-way lying between Tracts 97 and 98 and Tracts 95 and 96 and Grantor's interest in and to that 15' road right-of-way lying immediately East of Tracts 65, 96, 97 and 128, in Section 17, Township 46 South, Range 42 East, lying east of the Sunshine State Parkway and North of Delray Road West (SR-806) all being according to the Plat of Palm Beach Farms Co. Plat No. 1 as recorded in Plat Book 2, Pages 26-28 of the Public Records of Palm Beach County, Florida.

Approved with the understanding that rezoning would not be considered until the access issues had been resolved to the satisfaction of County Planning and Engineering staffs.

7) Area No. 20

15. South of Country Lake P.U.D. on the west side of Military Trail, approximately 0.3 of a mile south of the intersection of Linton Boulevard and Military Trail, with commercial uses limited to medical offices only, for the property more particularly described as follows:

A parcel of land lying in the Northeast one quarter of Section 26, Township 46 South, Range 42 East, Palm Beach County, Florida.

COMMENCE at the East quarter corner of said Section 26; thence run due North an assumed bearing along the East boundary of said Section 26, 656.18 feet to a point; thence run North 89 degrees 17 minutes 14 seconds, West 75 feet to the point of beginning of the herein described parcel; thence run North 89 degrees 17 minutes 14 seconds West 544.54 feet to a point; thence run due North 160 feet to a point; thence run South 89 degrees 17 minutes 14 seconds East 544.54 feet to a point; thence run due South 160 feet to the point of Beginning.

8) Area No. 22

6. Approximately one-quarter mile south of Glades Road on the east side of State Road 7, with commercial uses limited to medical offices only, for the property more particularly described as follows:

The North 192.90 feet of Tracts 13 and 14, Block 78, THE PALM BEACH FARM COMPANY PLAT NO. 3, according to the Plat thereof, recorded in Plat Book 2, Pages 45 - 54 inclusive, of the Public Records of Palm Beach County, Florida.

B. INDUSTRIAL POTENTIAL DESIGNATIONS. Beginning on Page 8, the Specific Permitted Commercial and Industrial Locations and Special Land Use Policies and Regulations by Reference Area section is hereby amended to add the following Industrial Potential designations:

1) Area No. 9

6. On the south side of Belvedere Road, approximately 300 feet west of Skees Road, for the property more particularly described as follows:

The West 1/2 of the East 2/3 of Tract 1 (LESS the Florida State Turnpike Authority right-of-way as i-Deed Book 1117, Page 237) in Block 6, Plat No. 3 of PALM BEACH FARMS, according to the plat thereof on file in the office of the Clerk of the Circuit Court in and for Palm Beach County, Florida, in Plat Book 2, Pages 45 to 54 inclusive.

SECTION II.

The Board hereby adopts density reductions to certain residential zoning categories and Planned Unit Development (PUD) bonuses pursuant to EXHIBIT "A", which is attached hereto and incorporated herein.

SECTION III.

The Board hereby adopts a section of the Comprehensive Plan to be entitled "Administration", which is attached hereto and incorporated herein as EXHIBIT "B".

SECTION IV.

The Board hereby adopts amendments to the Comprehensive Plan text from the top of column 2 on page 12 of "Performance Standards" to the end of page 14, attached hereto and incorporated herein as EXHIBIT "C".

SECTION V.

The Board hereby adopts amendments to its Right-of-Way Protection Map, as attached hereto and incorporated herein as EXHIBIT "D".

SECTION VI.

REPEAL OF CONFLICTING ORDINANCES

All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

SECTION VII.

SEVERABILITY

Should any section or provisions of this ordinance or any portion thereof, any paragraph, sentence or word ever be held or declared to be unconstitutional, inoperative or void, such decision shall not affect the validity of the remaining portions of this ordinance.

SECTION VIII.

INCLUSION IN THE CODE OF LAWS AND ORDINANCES

The provisions of this ordinance shall become and be made a part of the code of laws and ordinances of Palm Beach County, Florida. The Sections of the ordinance may be renumbered or relettered to accomplish such, and the word "ordinance" may be changed to "section," "article, or any other appropriate word.

SECTION IX.

EFFECTIVE DATE

The provisions of this ordinance shall become effective upon receipt of acknowledgement by the Department of State, State of Florida.

APPROVED and ADOPTED by the Board of County Commissioners of Palm Beach County, Florida on the 23rd day of February, 1987.

PALM BEACH COUNTY, FLORIDA BY ITS BOARD
OF COUNTY COMMISSIONERS

By: *Carl A. Hottel*

Chair

Acknowledged by the Department of the State of Florida, on this, the 12th day of March, 1987, and Commissioners of Palm Beach County, Florida.

EFFECTIVE DATE: Acknowledgement from the Department of State received on the 17th day of March, 1987, at 12:40 PM, and filed in the office of the Clerk of the Board of County Commissioners of Palm Beach County, Florida.

APPROVED AS TO FORM

AND LEGAL SUFFICIENCY

By: *Thomas J. Baur*

Assistant County Attorney

STATE OF FLORIDA, COUNTY OF PALM BEACH
I, JOHN B. DUNKLE, Clerk of the
Board of County Commissioners, do hereby certify this to
be a true and correct copy of the original filed in
my office on 2/23/87
DATED at West Palm Beach, FL on 3/18/87
JOHN B. DUNKLE, Clerk.
By: *Deputy Clerk* D.C.

EXHIBIT "A"

ZONING AND PUD BONUSES.1 Zoning catagories and PUD bonuses are set forth as an overlay to the density ranges established in the various catagories in the Comprehensive Plan. The resulting densities are based on analysis of the major thoroughfare system at buildout and represent the density which must not be exceeded on projects in the remaining uncommitted part of an area if adopted levels of service are to be maintained. The recommended zoning classifications and bonuses are those which should normally provide the maximum density to be applied for and approved for zoning applications unless concurrent applications which average the recommended densities in the same general area are inaugurated, or if TDR's are included in the application.

It should be noted that densities listed in each category are not entitlements insofar as a rezoning petition or PUD application is concerned. As delineated in the Performance Standards section of the Plan, any rezoning to any permitted density except entitlement density must meet Performance Standards. The areas are designed in such a manner, however, that at least the maximum standard level can be achieved in most cases. (84-1)

TDR bonuses are independent of the PUD bonuses and may be applied for in any applicable area within the Urban Service Area. Thus, a Low to Medium Category, overlayed with an RS-0, would still be eligible for up to six units per acre provided that the units are in accordance with applicable provisions of this Ordinance.

Applicable Zoning Districts, PUD bonuses and TDR bonuses for each category of Land Use are shown in the following table:

LAND USE PLAN CLASSIFICATIONS
USUAL ZONING CATEGORIES
MAXIMUM PERMITTED DENSITIES (du's/ac) *

Plan Category	Zoning Category	Entitlement	Maximum Standard Zoning	Maximum PUD Bonus	Maximum TDR Bonus
AP	AP	0	0	0	0
Reserve	AR	.2	.2	0	0
Agricultural Reserve	AR	.2	.2	**	0
VL	AR	.2	.2	0	0
	RE	.2	.4	.1	0
VL-L	RE	.2	.4	.1	0
	RT	.4	1.0	.5	0
	RTS	.5	2.0	1.0	0
L-M	RS	1.0	3.0	2.0	3.0
M-MH	RM	2.0	8.0	4.0	4.0
MH-H	RH	3.0	12.0	6.0	6.0

* Actual approved densities may be lower based upon evaluation of individual applications.

** See text for special conditions.

LAND USE PLAN MAP

The map indicating the location of the Land Use Plan Categories outlined above, is hereby incorporated into and included as part of the Comprehensive Plan and Land Use Plan Element. The Official Map is prepared on several sheets at a scale of 1"=600' and is located at the offices of the Palm Beach County Planning, Zoning and Building Department. Other maps which depict the Land Use Plan at other scales are for general reference only, and should not be used for detailed Land Use decisions.

DENSITY ADJUSTMENT AREAS

MAXIMUM PERMITTED DENSITY	
DISTRICT-BONUS	UNITS / ACRE
AR-0	.2
RE-0	.4
RT-0	1.0
RT-.5	1.5
RTS-0	2.0
RS-0	3.0
RS-1	4.0

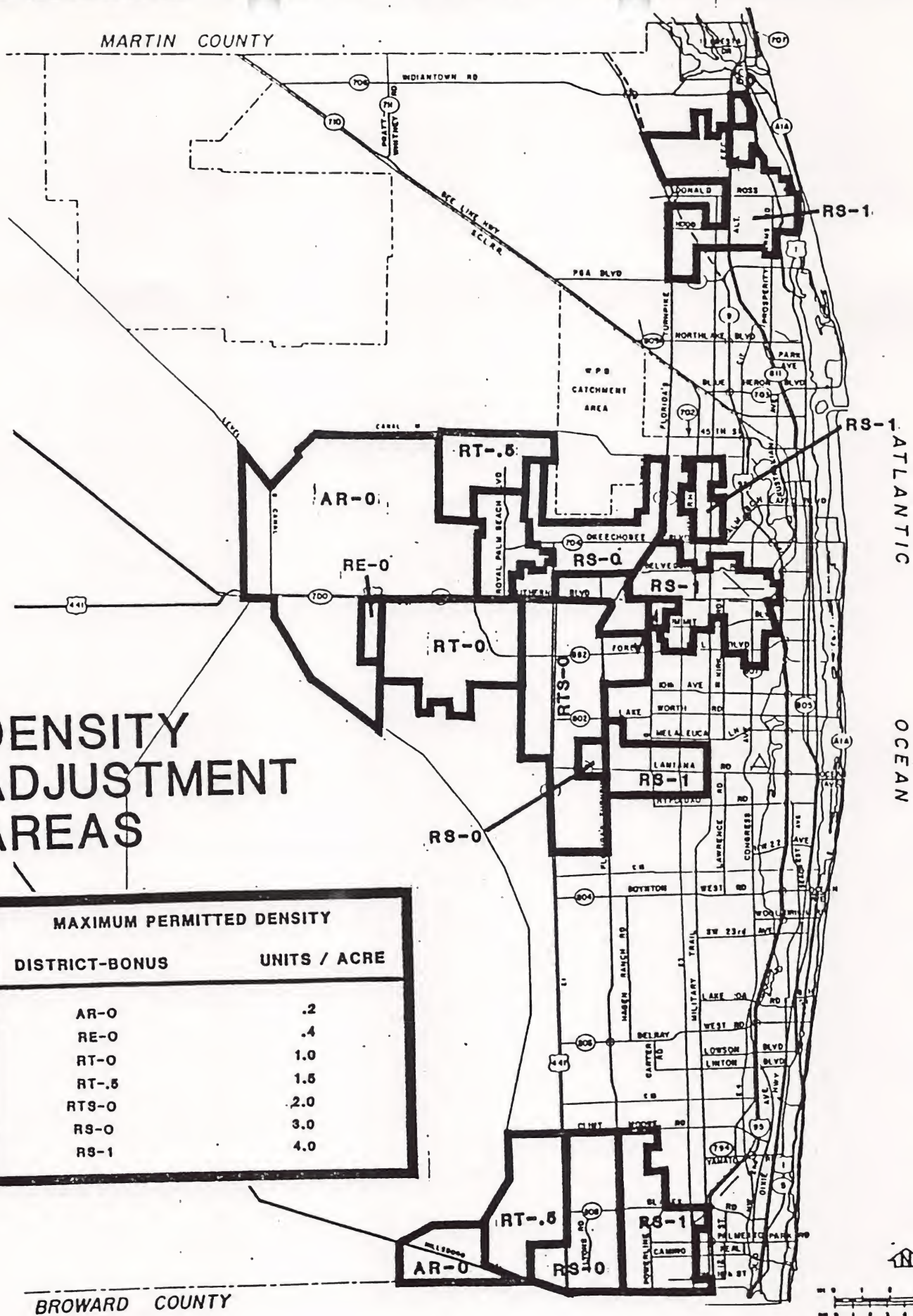


EXHIBIT "B"

ADMINISTRATION¹

1. Definitions.

Where any special definition or policy of the Comprehensive Plan is considered to be in conflict with any other Ordinance, the Plan definition shall prevail to the extent of the conflict.

Adult Congregate Living Facility. A building occupied by unrelated individuals operated in such a manner as to provide supervised care for individuals including meals.

Agricultural Production. Agricultural production includes uses which are primarily engaged in the production of crops and plants or the keeping, grazing and feeding of livestock and are included as agricultural production uses (01 and 02) in the Standard Industrial Classification Manual published by the Federal Office of Management and Budget.

Agricultural Use. Agricultural production, accessory uses, and commercial and industrial uses directly related to and supporting agricultural production and included in the lists of permitted Special Exception uses of the Agricultural Districts of the Zoning Code.

Commercial Potential. Areas designated as having potential for Commercial Development and which establish eligibility for certification of commercial rezoning applications.

Comprehensive Plan Threshold Consistency. Staff determination that a proposed development project meets minimum requirements for zoning certification.

Density. Number of dwelling units per gross acre.

Density, Bonus. Additional density which may be granted by the Board where permitted in various categories and Performance Standards can be met. Bonuses may be earned through use of Planned Unit Developments or Transfer of Development Rights.

¹ LUP\ADMNREV 061786, 022787

Density, Entitlement. The density considered to provide a reasonable use to property in various plan categories and for which Performance Standards are not mandated.

Density, Maximum. That density which may not be exceeded in specific plan categories and areas of the County.

Density, Maximum Standard. That density which may be achieved through standard zoning without application for and approval of bonuses.

Density, Recommended. That density which has been shown to be the maximum density which can be averaged on remaining uncommitted lands in Palm Beach County and still maintain elements of the infrastructure at acceptable levels of service. These densities are shown as overlays to the adopted Plan categories and establish the maximum zoning classification and maximum bonus units per acre which may be certified by staff for rezoning application.

Density Urban. Three units per acre (3 du/ac) and higher.

Department. The Planning, Zoning and Building Department charged with administration of the Palm Beach County Comprehensive Plan.

Development Rights, Transfer. The removal of potential use and intensity permitted by the Land Use Element Map and Text from one (sending) area for use in another (receiving) area, as permitted under applicable sections of the Comprehensive Plan and Zoning ordinance.

Industrial Potential. Areas designated as having potential for Industrial Development and which establish eligibility for certification of industrial rezoning applications.

Level of Service "C". Generalized Planning capacities, in average daily trips, as provided for by the description contained within the Urban Transportation Planning systems (UTPS) computer program, as may be adjusted for seasonal peaking characteristics which exist in Palm Beach County.

Life Care Facilities. Facilities as defined and promulgated in Chapter 651, F.S. for elderly care.

Major Intersection. Any intersection of two major streets.

Major Street. Streets depicted on the adopted Transportation System Map or Thoroughfare Right-of-Way Protection Map, or Thoroughfare Plan.

Public Recreation. Park and/or recreation facilities owned by a governmental unit.

Public or Semi-Public Building and Uses. Buildings designed to provide a service to the public whether in public or quasi-public ownership. Such uses shall include schools, utility structures, churches, hospitals, nursing homes and similar structures.

Public Utilities. Facilities, whether in public or quasi-public ownership, which are necessary to provide services to the public including water and sewer lines, telephone and other cables, electric lines and necessary stations for pumping, transforming, transferring, switching, and similar uses, not however including offices, garages, warehouses, vehicle storage and like uses.

Thoroughfare Plan. The adopted Transportation System Map depicting the highway system of Palm Beach County at buildout.

Where specific definitions are not listed in this ordinance, those of the Palm Beach County Zoning Ordinance shall be used.

2. Comprehensive Plan Maps.

The official Land Use Plan Map showing density and commercial and industrial potential is located in the Department office. It consists of a series of individual sheets at a scale of 1" = 600' depicting boundaries of Land Use Plan categories, density adjustment overlay areas and other use and density limitations. All disputes regarding Plan category boundaries and density adjustment overlay areas shall be decided using these official maps. All disputes regarding other land use and density limitations, including Commercial and Industrial Potential, shall be decided using the text of the Comprehensive Plan.

3. Interpretation of Regulations.

The Department is responsible for application and interpretation of the provisions of the Comprehensive Plan according to standards promulgated by the Board of County Commissioners, and the said regulations and provisions by the Department shall be reasonable and uniformly applied to all property within the jurisdiction of Palm Beach County.

4. Enforcement of Regulations.

Procedures adopted by the Board of County Commissioners as part of this Comprehensive Plan shall be used to enforce and administer this ordinance. In addition, the Board may promulgate

rules of procedure which supplement this Ordinance and which have full force and effect of law.

No plan boundary or regulation change and no zoning boundary or regulation change, no modification of Commission requirements, special exception, variance, building permit, certification of occupancy and use, or other permit shall be granted by the Department, the Commission, or Board of Adjustment or other agency except in compliance with the provisions of this Code or Court decision.

5. Appeals of Administrative Decisions and Interpretations.

Where there is dispute on any administrative decision or interpretation of this Comprehensive Plan, said decision may be appealed to the Board of County Commissioners sitting as the Local Planning Agency (LPA). Said appeal shall be in writing and addressed to the Department, which shall be responsible for scheduling an appeal meeting with the LPA.

Said appeal hearing will be scheduled within 30 working days of the date of application and shall be advertised as required by Chapter 163, F.S. for all Local Planning Agency Meetings.

The Board may accept, reject or modify any action taken by the Department, and in making its decision, shall have all administrative authority of the Department.

6. Determination of Threshold Consistency.

Prior to certification or approval of any Zoning Application, Subdivision Preliminary Plat, Site Plan or other similar application for development approval, the Department shall determine that the said application meets threshold consistency requirements of the adopted Comprehensive Plan. These threshold consistency requirements are as follows:

- a. Water and sewer services can and will be provided to the proposed project in accordance with the provisions of this Ordinance. (The Department shall utilize the expertise of the County Health Department as a guide in determining technical consistency.)
- b. Based upon the required report from and in conjunction with the County Engineering Department, the Department shall determine compliance with the technical information requirements of Performance Standard 3.
- c. Environmental issues shall be evaluated to determine if contact with regulatory agencies as required by the Plan has been made prior to certification of any zoning or other land development regulation application.

- d. Projects shall be evaluated to determine that proposed land uses are consistent with guidelines for noise hazard areas around County airports.
- e. A determination shall be made that the location of any commercial or industrial zoning application is properly designated in the Plan, and on the Plan maps.
- f. A determination shall be made that all densities applied for in the application are consistent with the adopted Plan.
- g. The Department shall also notify the School Board, South Florida Water Management District, Sheriff, Parks & Recreation, and Fire & Rescue Department of the potential for development at the location specified.
- h. The Department may determine that a binding letter from the State of Florida must be obtained for any proposed application which falls above 80% of the thresholds for Development of Regional Impact as defined in Chapter 380, F.S.

7. Prior Approvals

In addition to vesting statements in the Ordinance adopting the Comprehensive Plan (80-8), the following paragraphs shall be applied in determining whether or not an individual property is entitled by reason of prior approval to land uses or densities not permitted by the Plan.

- In situations not specifically covered by this plan where commercial or industrial zoning exists as of the date of adoption of this Plan, and where a development order has been issued on the property, and where such development order has been exercised and where there is a building or other substantial permanent construction on the site, the zoning shall be considered to be in conformity with the Plan. Where no such development order has been issued, or where there has been no substantial permanent construction, the Plan shall supercede the commercial or industrial zoning.
- Any Planned Unit Development, Planned Commercial Development or Planned Industrial Development which has received master plan approval as specified in the Zoning Ordinance prior to Plan adoption shall be considered to be in conformity with this Plan, and may be implemented as approved. However, any such approved PUD which has lapsed, or where conditions of approval have not been satisfied, shall thereafter be developed only in full accordance with the Plan.

- In situations not specifically covered by this Plan, where residential zoning exists which is not part of a PUD which provides densities higher than those permitted by this Plan, the area so zoned shall be in conformity with the Plan if as of the date of adoption, any development order has been issued and executed and substantial permanent construction has taken place on the site, and the project has vested under Florida law. Projects for which no such order has been issued and conditions met, shall be considered in conflict to the Plan and the Plan shall supercede such higher density zoning, provided that, the maximum density permitted by the Plan for the category in which the zoning is located may be approved and permits issued by the Department.

8. Applications for Amendment to the Comprehensive Plan.

The following conditions shall apply to any application for change in the Palm Beach County Comprehensive Plan.

- Applications for general change in the text or performance standards shall be instituted only by the Board of County Commissioners or the Department.
- Applications for a change in the category of use on specific parcels of land shall be instituted only by the owner of the parcel, or the Board of County Commissioners or Department.
- Applications for change in category of more than one parcel shall be instituted by not less than fifty-one percent (51%) of the owners, who must constitute not less than fifty-one percent (51%) of the total land area proposed for change. The entire area covered, and all property included must be eligible for such change and be located in the unincorporated portion of the County. It shall be the responsibility of the applicants to certify that the above conditions are met and an application which is so certified and which is found to lack sufficient owners or area shall be voided by the Department.
- All private applications shall be submitted on official forms provided by the Department and shall be accompanied by the appropriate filing fee as set by the Board of County Commissioners.
- Applications for change in category shall be submitted to the Department at times and dates specified in the Rules adopted by the Board.
- When an application for change of classification has been denied by the Board of County Commissioners, the same

property may not be heard for the same change in classification for a period of two years unless otherwise specified by the Board of County Commissioners.

- Hearings for amendment or change in the Comprehensive Plan shall be held at least once in each calendar year, at times specified and advertised by the BCC. Additional hearings may be held in accordance with specifications of Chapter 163 F.S.

THE FOLLOWING REPLACES THE TEXT OF
THE
COMPREHENSIVE PLAN FROM THE TOP OF
COLUMN 2 ON PAGE 12 AT "PERFORMANCE STANDARDS"
TO THE END OF PAGE 14;

INTRODUCTION

The application of performance standards to all applications for change or special approval in any development regulation for Palm Beach County is vital to the implementation of the Comprehensive Plan. It is necessary, therefore, to evaluate each such application fully and ascertain that all performance standards are met prior to any approval. It is particularly important that application of the standards provides evidence that the proposed project is timely and that all elements of the infrastructure can be physically in place concurrent with the development of the proposed activity.

It should be noted that although all performance standards are to be equally applied to all proposed projects in the County, this may result in greater or lesser efforts and costs in complying with the standard in different parts of the County. This disparity is intended to serve as an incentive for development in some areas and a disincentive in others, generally directly related to availability and level of service capabilities of the infrastructure.

PERFORMANCE STANDARDS

APPLICABILITY. The following Performance Standards shall be applied in the case of any change in the Land Use Plan and in the following zoning changes:

- . Rezoning of any classification to Commercial.
- . Rezoning of any classification to Industrial.
- . Rezoning of any classification to a higher density residential category.
- . Application in any classification for a Commercial or Industrial PCD, PID, or PIPD.
- . Application in classification for a residential PUD involving PUD or TDR bonuses.
- . Application for a Special Exception for Commercial and/or Industrial uses.

- . Application for a Special Exception for any public, semi-public or recreational uses.
- . Any Subdivision or Special Exception Subdivision

MANDATORY REQUIREMENTS. The following areas shall be mandatory and shall be considered fully in all applicable changes in the Land Use Plan or Zoning Ordinance and each shall be evaluated by the appropriate county agency. A finding of fact that each Performance Standard has been satisfied shall be made prior to any change in the Plan or Zoning Ordinance listed in the previous paragraph on Applicability.

PERFORMANCE STANDARD 1. Water Services

- A. The appropriate water utility must agree to supply water to the development.
- B. There shall be provided proof acceptable to the County Health Department that prior commitments of the utility plus the projected need of the applicant do not exceed the utility's supply and treatment capacity.
- C. A project which is compatible with an approved Facilities Plan covering the area of the development and which includes a capital improvements program, shall be considered as providing sufficient evidence for compliance, provided that the Capital Improvements Program indicates construction of facilities concurrent with proposed development phasing of the project. Special plans for individual systems, which are compatible with the Approved Facilities Plans and are included in capital improvements programs are also acceptable as evidence of compliance.
- D. On-site water treatment facilities shall not be permitted to be constructed in order to meet this performance standard except under certain specific circumstances as herein provided. Such facilities may only be permitted if the appropriate water utility cannot provide service at the time of application and if the proposed on-site water treatment facility is designed and installed in accordance with local utility standards so that there will be a takeover of operation and physical incorporation into the appropriate water utility system within a period of three (3) years. The Local Planning Agency may, in exceptional circumstances, determine that there is sufficient evidence that a period of greater than three (3) years is justified. In all instances, the applicant must provide written confirmation from the appropriate water utility concerning status of service at the time of application and the capability of the proposed system being brought into the appropriate water

utility system within the three (3) year period. Cost of construction and connection to the regional system shall be borne by the developer. Bona-fide agricultural and public recreational uses and public schools are exempt from these requirements.

PERFORMANCE STANDARD 2. Sewer Services

- A. The appropriate sewer utility must agree to supply service to the development.
- B. There shall be provided proof acceptable to the County Health Department that prior commitments of the utility plus the projected needs of the applicant do not exceed the supplier's treatment capacity.
- C. A project which is compatible with an approved Facilities Plan covering the area of the development and which includes a capital improvements program, shall be considered as providing sufficient evidence for compliance. Special plans for individual systems, which are compatible with the Approved Facilities Plan and include capital improvements programs are also acceptable as evidence of compliance.
- D. On-site sewage treatment facilities, except individual sewage disposal facilities as defined in Environmental Control Rule No. 1, shall not be permitted or constructed in order to meet this performance standard. Such facilities may only be permitted if the appropriate sewer utility cannot provide service at the time of application. If service cannot be provided and an on-site sewage treatment facility is proposed, the system must be designed and installed in accordance with local utility standards so there will be a takeover of operation and physical incorporation into the appropriate sewer utility within a period of three (3) years. The Local Planning Agency may, in exceptional circumstances, determine that there is sufficient evidence that a period of greater than three (3) years is justified. In all instances, the applicant must provide written confirmation from the appropriate sewer utility concerning status of service at the time of application and the capability of the proposed system being brought into the appropriate sewer utility system within the three (3) year period. Cost of construction and connection to the regional system shall be borne by the developer. Bona-fide agricultural and public recreational uses and Public Schools are exempt from these requirements.

PERFORMANCE STANDARD 3. Major Thoroughfares

Major Thoroughfares serving a proposed project shall, during and upon completion of the project, not exceed reasonable and safe levels of service. As the standard, thoroughfares affected by the project shall be maintained within the range of level of service "C" and shall not exceed the threshold of Level of Service "D". In determining the effects of a proposed development on level of service, project analysis shall include the following areas of evaluation.

1. Traffic characteristics and levels of service of existing major thoroughfares directly affected by the proposed project.
2. Trip generation and origin-destination projections for the proposed project.
3. Impacts of the proposed project on affected major thoroughfares including level of service.
4. Impacts of previously approved projects affecting the same major thoroughfares as the proposed project.
5. Radius of development influence.
6. Effects of phasing of the proposed development including relationships to the long range thoroughfare plans of the County and Metropolitan Planning Organization (MPO), and to the five year work program of the MPO and Department of Transportation (DOT).
7. Effects of roadway alterations anticipated in the proposed project, including intersection improvements, turn lanes, signalization, median and other improvements.
8. Highway and intersection design capacities.

The County Engineering Department shall be responsible for evaluating the traffic impacts of the proposed development, and shall prepare a report for consideration in the Zoning process. However, the County Engineer may require the developer or the developer himself may opt to provide a professional traffic impact analysis on major thoroughfares serving the proposed project. In any case, the traffic evaluation of the project shall be in accordance with accepted traffic engineering practices.

Where the proposed development affects roadway links or intersections which are, or as a result of the project will operate at volumes beyond the threshold of level of service D, the project shall normally be denied by the Board. Alternatively, the

project may be approved at entitlement density, or at a density less than maximum for the Plan category which can be adequately supported by the infrastructure. However, the developer may wish to make roadway improvements which substantially remove the overcapacity problems and should the Board find that such improvements will provide a highway system in the vicinity of the project which will operate within the range of level of service "C" in accordance with this Plan, the development may be approved at appropriate densities.

In making such determination, the Board should use as a guide the total additional capacity created by the newly constructed roadway compared to the total amount of traffic on links operating at or beyond threshold of level of service D considering existing, background and project traffic. This is indicative that road construction to achieve additional density should be based on total roadway overcapacity not on specific project impact.

Such construction should normally be on a roadway link which has a capacity problem, which is directly affected by the project and which is included in the adopted Transportation System Plan. In some cases, roadway links which are on the ultimate Thoroughfare Plan may be approved although not on the adopted System Plan.

It is the intent of the Comprehensive Plan that projects not be approved unless there is assurance that the total infrastructure is in place concurrent with project development, and some small projects may therefore be precluded from proceeding. Due to size, it may not be financially feasible for such projects to construct necessary roadways in accordance with the standard. It is not the intent of the Plan to discourage small developments and thus in such cases, there may be a payment in lieu of construction, said payment made to the appropriate Fair Share Fund and used in accordance with provisions of that ordinance. The amount of payment should be based on evaluation of the ratio between the total overcapacity on links affected by the project and additional capacity which would be provided if a new link were constructed, not the impact of the project itself.

Where a project has met the Traffic Performance Standard through construction or payment as outlined above, said expenditures should be applied against the impact fees required in the Fair Share Ordinance.

PERFORMANCE STANDARD 4. Environmental Impacts

- A. In any cases where a potential environmentally sensitive area exists as shown on the wetlands maps produced by the U.S. Fish and Wildlife Service or areas shown on other accepted documents as being environmentally sensitive, the

developer shall hold a preapplication conference with the Department. If an environmentally sensitive area exists, the developer shall be required to make written contact with the Corps of Engineers, Department of Environmental Regulation, South Florida Water Management District and/or other applicable regulatory agencies having jurisdiction, at least 10 working days prior to filing his application with the County. Where the County finds probable environmental sensitivity, the developer may be required to provide reports or studies to address the environmental problems as part of the zoning application.

All projects which include or abut an area classed as "Conservation" on the Land Use Plan Map shall present such studies and reports as part of any zoning application.

- B. Any proposed development which may create waste hazardous to humans or the environment, shall be required to provide sufficient information to the County and applicable regulatory agencies, to allow determination of the potential effects of such waste materials, at least 10 working days prior to filing of any zoning application.
- C. In all instances, the policy statements of the Conservation and Coastal Zone Element shall be reviewed for consistency and implemented where applicable.
- D. Any development proposed for an area which lies within a zone of influence of any public wellfield may be restricted or prohibited from the use of certain hazardous materials.

PERFORMANCE STANDARD 5. Market Analysis.

In the case of commercial rezoning of less than five acres (5ac), the applicant shall provide information regarding the existing market for the proposed activity. In commercial rezonings of five acres or more, the applicant shall provide a professional market analysis indicating, among other things, the need for commercial development at the proposed location, the types of marketable commercial activities, and the projected area needs of the proposed development.

The market analysis must consider project feasibility, suitability of commercial use, buying power, trade area, population and competition, including evaluation of any similar applications currently in process. The market analysis should be prepared more in terms of whether or not the proposed area can support commercial, as opposed to whether or not the area needs commercial. "The Shopping Center Handbook" of the Urban Land Institute's Community Builder's Handbook Series, may be used as a guide in developing the market analysis.

PERFORMANCE STANDARD 6. Flood Hazards

Where Federal Flood Insurance Rate maps indicate a high degree of potential residential flooding or where the County Engineer, SFWMD or applicable Drainage District indicate particular susceptibility to flooding (including the western C-51 Basin), applicants shall prepare detailed drainage reports prepared by a registered engineer indicating the degree of flood hazard and measures proposed for the project designed to minimize damage to property and hazards to health from improper drainage. Should the Board find that drainage has not adequately addressed the flood potential, the project may be denied.

PERFORMANCE STANDARD 7. Drainage

The provision for adequate drainage in any project shall be evaluated by the appropriate division of the Palm Beach County Planning, Zoning and Building Department, the County Engineer and other appropriate agencies as necessary. The inability to provide sufficient drainage shall, upon finding of fact by the Board, constitute sufficient reason to deny the project.

Prior to any amendment to the Comprehensive Plan for any part of the C-51 basin, west of S.R. 7, which would increase density or intensity of land use, the Board of County Commissioners shall make a finding of fact that:

1. The C-51 drainage system is adequate to accept such increase;
2. The increase would not expose a greater number of homes to flood danger; and
3. The change would not increase the potential frequency or degree of flooding.

In making this finding, the County Commission staff shall transmit a copy of any private application for plan change or any proposed change from the Board or its staff which would permit increased density or intensity of use in that part of the C-51 basin west of S.R. 7, to the South Florida Water Management District (SFWMD) for its comments. Such submittal shall be made at least 30 days prior to hearings by the Board of County Commissioners or Local Planning Agency. Any report received from the SFWMD shall be considered by the Board of County Commissioners in making the required finding of fact and final plan determination.

PERFORMANCE STANDARD 8. Schools

There is an expressed policy incorporated in this Plan that all elements of the infrastructure be sufficiently in place at the time of development approval, or phased to be in place concurrent with development, to adequately serve the needs of the public. It is hereby declared that educational facilities constitute an important part of the infrastructure and must therefore provide for the needs of the community concurrently with any development.

In accordance with Chapter 235 Florida Statutes, the Board of County Commissioners may reject development plans under certain circumstances when educational facilities are not scheduled to be constructed concurrent with the development. Chapter 235 also requires that local school board to provide the County, upon request, a written statement regarding its capability to provide adequate educational facilities in the locale of any proposed development. The Board of County Commissioners, through this Comprehensive Plan, officially requests such evaluation for all residential rezoning applications submitted to Palm Beach County.

The Planning, Zoning and Building Department shall submit to the School Board, in a timely manner, sufficient information upon which to base the required evaluation. Specific requirements for submission may be enumerated in the Palm Beach County Zoning Code or in any other manner acceptable to both parties.

In hearing any such zoning petition, the Board of County Commissioners shall, in its deliberations, fully consider the report from the School Board. Where a finding of fact is made that public school facilities made necessary by the proposed development are not available in the area which is proposed for development or are not planned to be constructed in such area concurrently with the development, the Board shall deny the petition.

Where the adopted Comprehensive Plan indicates proposed school locations, and where one of those locations is at or near a proposed development, the Board of County Commissioners may require such dedication in accordance with applicable provisions of the Zoning Ordinance. Where the amount of land which may be required for dedication under PUD requirements or other applicable ordinances is inadequate, the Board may require reservation of the needed additional land for a reasonable period of time.

This standard may also be satisfied through phasing or payments in lieu of dedication as required in an impact fee Ordinance.

PERFORMANCE STANDARD 9. Recreation

In all cases, the developer shall be required to provide a study indicating the recreational needs created by his proposed project. This study shall be submitted to the Palm Beach County Parks and Recreation Department for evaluation. Prior to final approval of the said project, the Board shall make a finding of fact based on the above evaluation, that the impacts of the project are being mitigated through developer agreement or other acceptable measures.

Where a proposed development includes a park or other recreational facility proposed as part of an adopted Park and Recreation and/or Open Space Plan, the developer shall be required to dedicate where required by ordinance or reserve such area for a reasonable period of time to allow the Board opportunity to acquire such property.

PERFORMANCE STANDARD 10. Aircraft Noise Hazards

Based on maximum area noise contours shown in the Master Plans of Palm Beach International Airport, North County General Aviation Airport, Palm Beach County Park Airport, Glades Airport and the Boca Raton Airport, residential projects shall not be approved or permitted in any area shown as 75 LDN or higher. Proposed residential projects in areas shown between 65 LDN and 75 LDN shall include in applications a description of proposed noise mitigation construction including a qualified estimate of noise reduction (in LDN) which will be achieved by the mitigation techniques. The Board shall consider EPA and FAA guidelines for noise reduction in approving such projects, and where such standards are not met, projects may be denied.

Commercial, industrial and public projects proposed, shall be consistent with uses and noise reduction construction standards recommended by EPA and FAA.

PERFORMANCE STANDARD 11. Fire Protection

The County Fire District shall evaluate proposed projects to determine the ability of the District to provide adequate fire protection to additional residential or commercial developments. Where the Board finds that there is insufficient fire protection available for the project, the project may be denied. Where any adopted plan for fire rescue facilities proposes a site in the vicinity of a proposed development, the Fire Rescue Department may request dedication or reservation of the site. The BCC may require dedication or reservation for a reasonable period of time in accordance with applicable provisions of the Zoning Ordinance.

OTHER CONSIDERATIONS

In addition to all performance standards, the final decision on any change in land use shall include careful consideration of adjacent land uses, surrounding neighborhoods, physical and social impacts, compatibility of land use, timeliness of the proposal and adopted plans of nearby municipalities, the School Board and units of local and state government.

PERFORMANCE STANDARDS AND TIMING OF PROJECTS

In the original adoption of the Comprehensive Plan and Land Use Element in 1980, there was considerable flexibility in determining the maximum density which could be accommodated in a specific project. In fact, proposed density was to be based largely upon the impacts of existing and approved projects plus the impacts of the project itself. No overall density was specified which guaranteed that near buildout, additional units could be accommodated without exceeding standards set for levels of service in the infrastructure. Thus, density was to some extent on a "first-come, first-served" basis.

The current plan has "pre-applied" one or more of the performance standards to the remaining uncommitted land within each Plan Category and has earlier in this Land Use Element assigned recommended densities within categories which can be accommodated within the projected infrastructure. Thus, Performance Standards now can be used as a mechanism to determine timeliness of a proposed project -- can that density be accommodated now by the existing infrastructure or is the proposal premature. Used in this manner, Performance Standards are a more useful tool in the land development process.

In cases where projects are proposed within the density ranges shown on the Land Use Plan Map but where performance standards cannot be fully met, the project should be a)denied, b)approved at entitlement or other lesser densities which can meet all standards or c)postponed until such time as required elements of the infrastructure are physically in place.

EXCEPTIONS. Entitlement Density

Where all required performance standards cannot be satisfied, property may be rezoned to a Residential Zoning District not greater than two districts below the highest zoning district permitted in the Land Use Plan category. Such classification and maximum net densities shall be established by the minimum development regulations in the Palm Beach County Zoning Ordinance and shall not exceed the following:

<u>Plan Category</u>	<u>Maximum Permitted Residential Zoning</u>	<u>Maximum Permitted Residential Density</u>
Very Low	AR	1 Unit/5 Acres
Very Low-Low	RE	1 Unit/2 1/2 Acres
Low-Medium	RT	1 Unit/Acre
Medium-Medium High	RTS	2 Units/Acre
Medium High-High	RS	3 Units/Acre

TRANSFER OF DEVELOPMENT RIGHTS

In earlier portions of this Land Use Plan, reference has been made to Transfer of Development Rights as a mechanism or tool used to distribute County population with higher densities into Urban Service Areas and low densities in rural areas. In particular, there are certain specific areas within Palm Beach County which have characteristics which are unique or certainly very special. These are primarily located west of Boynton Beach and Delray Beach and include the winter vegetable farmlands and the marginal wetlands adjacent to Conservation Area 1.

The South County agricultural lands are in areas of warm, rich soils particularly suited to growing vegetables although at high cost of production. Yields are extremely high, particularly when favorable climatic factors are coupled with sophisticated growth techniques. Because of the value to the economic base of the County, it is an area in which it is desirable to preserve the agricultural land even though there is an increasing pressure to turn it to residential uses.

Similarly, the marginal wetland areas east of Conservation Area 1 have characteristics which are desirable to preserve, as indicated in the Conservation Element of this Plan. Since there are no urban services planned for this area it can be developed only at rural residential densities, but it would be desirable to reduce even these because of the nature of the land. Thus, this area also is considered as a "sending" area for Transfer of Development Rights.

The Transfer of Development Rights is a mechanism designed to accomplish County policy of protection of agriculture and environmentally sensitive land, redistribution of population densities to use County resources more efficiently and to reduce energy needs during the Planning Period. TDR bonuses are granted to the PUD developer within the USA to accomplish these goals.

Development rights may be transferred from areas designated as Reserve or as Conservation, including the Loxahatchee Slough, but

excluding Reference Area 24. Those in Conservation have severe limitations upon development potential and should be zoned for even less than Rural Residential densities as Agricultural Production. Nonetheless, in order to provide compensation, any privately owned land designated as Conservation may transfer two dwelling unit per five acres (2du/5ac) to a parcel of land within the USA as part of a PUD. Uses in the J.W. Corbett Area, Loxahatchee Slough, West Palm Beach Catchment Area buffer, and Conservation Areas 1 and 2, specifically designated as "Conservation" on the land use plan map, shall be oriented toward recreation and/or preservation and management of natural resources. Agricultural operations in these areas are not permitted.

Property owners within the Agricultural Reserve Area have less severely restricted use potential for their land, and have Agricultural Residential designation of one dwelling unit per five acres (1du/5ac).

In order to encourage transfer of development rights rather than development on the property, the owner of Agricultural Reserve Area Land may transfer four dwelling units per five acres (4du/5ac) to a parcel of land with the USA as part of a PUD.

Transfer of Development Rights (TDR) shall be by deed, and no transfer shall be recognized unless the following conditions are met.

1. Transfer must be from a parcel of land located within the Agricultural Reserve Area or Conservation Area on the Land Use Plan Map, except the Conservation Area in Reference Area 24.
2. All development rights for each five acre parcel must be transferred, i.e., the owner may not transfer one unit for the five acre tract and retain other units.
3. The transfer must be to a parcel of land which is within an Urban Service Area.
4. The transfer must be to a parcel of land which is in an approved PUD, within which the transferred densities have been included and amended.
5. All Performance Standards have been met in the approved PUD.
6. All PUD requirements of the Zoning Ordinance have been met.
7. The deed of transfer is recorded with the County in the same manner as a deed for real property.

8. At the time transfer is approved as part of a PUD, the entire area from which transfers will occur shall be designated on the Zoning Map and no additional approvals shall be permitted within the area until deeds of transfer have been filed.

Property development rights shall be transferred in perpetuity and the seller shall be entitled to reduction of taxes to a level of agricultural potential only.

Property owners in Agricultural Reserve or Conservation areas may option or sell TDR's for future transfer and may dispose of land while retaining the development rights. In such cases, TDR's shall be treated in a manner similar to retention of mineral rights and shall be recognized upon recording of a deed in a form approved by the County Attorney. Such TDR's shall remain in limbo until applied to a PUD in accordance with provisions of this Ordinance.

Where TDR's have been transferred to a PUD within a USA and the PUD has not been developed within a period of 18 months, the TDR's originally transferred may be reassigned or sold to another PUD within the USA provided that all conditions originally required are again met in the retransfer.

TDR bonuses are granted the developer in addition to his PUD bonuses, but only where Performance Standards can be met and when they are compatible with the development of the surrounding neighborhood. In other words, TDR's can be used only where the public facilities are immediately available concurrent with the PUD development. Specific bonuses are listed below.

MAXIMUM TDR BONUSES

<u>PLAN CAT.</u>	<u>ZONING CAT.</u>	<u>MAX TDR BONUS</u>
Conservation		None
Industrial	IL, IG	None
Ag. Reserve	AR	None
Reserve	AR	None
AP	AP, AR	None
VL	AR, RE	None
VL-L	RT, RTS	None
L-M	RS	3
M-MH	RM	4
MH-H	RH	6

CHANGES IN THE COMPREHENSIVE PLAN

The adopted Comprehensive Plan shall be updated and amendments considered annually, at a time specified by rules adopted by the Board. The flexibility of the Plan is such that major changes should not be necessary, but the Board of County Commissioners may optionally hold a second plan review during each year at a time similarly specified in adopted rules. Changes in the Plan must conform to the requirements of Chapter 163, F.S.

EXHIBIT "D"

RIGHT OF WAY PROTECTION MAP CHANGES

- A. Add Old Central Boulevard from Donald Ross Road to Frederick Small Road Extended (80')
- B. Add extension of Frederick Small Road from Old Central Boulevard to Central Boulevard (80')
- C. Add extension of North Lake Boulevard to Seminole Pratt Whitney Road (120')
- D. Add Coconut Boulevard from Northlake Boulevard to Orange Boulevard (120')
- E. Add Orange Boulevard from Seminole Pratt Whitney Road to Coconut Boulevard (80')
- Add Orange Boulevard from Coconut Boulevard to Royal Palm Beach Boulevard (120')
- F. Add Persimmon Boulevard from Seminole Pratt Whitney Road to State Road 7 (U.S.441) (80')
- G. Change Delray West Road from University Parkway to State Road 7 (U.S.441) from 120' to 384' (Proposed terminus of University Parkway)
- Change Delray West Road from State Road 7 (U.S.441) to the Florida Turnpike from 120' to 160'
- H. Add urban interchange at Delray West Road and State Road 7 (U.S. 441)
- I. Remove S.W. 18th Street from Military Trail to S.W. 13th Avenue